

AMENDMENT

U.S. Appln. No. 10/067,291

REMARKS

On page 2 of the Office Action, the Examiner states that the present application contains no Information Disclosure Statements.

However, the Examiner is requested to note that an Information Disclosure Statement was filed February 7, 2002 (a copy of which is attached hereto, along with the date-stamped mailroom receipt therefor).

The Examiner is kindly requested to enter this timely filed Information Disclosure Statement and consider the references cited therein.

On page 3 of the Office Action, the Examiner objects to the disclosure because there is a heading "BRIEF DESCRIPTION OF THE DRAWINGS", but there are no drawings in the specification.

Applicants hereby amend the specification to delete the expression "BRIEF DESCRIPTION OF THE DRAWINGS", as suggested by the Examiner.

In addition, the Examiner objects to the Abstract, and suggests amending the Abstract such that it is similar to that of the parent application.

Accordingly, Applicants hereby submit a substitute Abstract in order to amend the Abstract as suggested by the Examiner.

Also, on page 3 of the Office Action, the Examiner objects to Claim 34 as being an improper multiply dependent claim.

In view of the amendments to Claim 34, Applicants respectfully submit that the Examiner's rejection has been rendered moot.

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In paragraph 5, on page 1 and on page 8 of the Office Action, the Examiner indicates that Claims 24-26 have been allowed.

However, on page 4 of the Office Action, the Examiner rejects Claims 23 and 27-34 under 35 U.S.C. § 112, first paragraph.

Specifically, the Examiner states that part (d) of Claim 23, which recites a DNA encoding "an amino acid sequence having 60% or greater identity to SEQ ID NO:1", does not have written description in the specification.

The specification teaches that the sequence identity can be 90% or greater, or 95% or greater (see page 19, lines 4-10 of the present specification).

Thus, in view of the amendment to part (d) of Claim 23 to recite a "90% or greater amino acid sequence identity", Applicants respectfully submit that the Examiner's rejection has been rendered moot.

On page 5 of the Office Action, the Examiner rejects Claims 23 and 27-34 under 35 U.S.C. § 112, first paragraph.

Specifically, the Examiner states that the specification does not enable DNA encoding a protein with unknown function having an amino acid sequence that is 60% identical to SEQ ID NO:1 or a DNA encoding a transaminase having an amino acid sequence that is 60% or 80% identical to SEQ ID NO:1, i.e., the Examiner objects to parts (d), (e) and (f) of Claim 23.

In view of the amendment to parts (d), (e) and (f) of Claim 23 to each recite "90% or greater amino acid sequence

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identity", Applicants respectfully submit that the Examiner's rejection has been rendered moot.

Finally, on page 8 of the Office Action, the Examiner states that in Claim 23, part (b), the expression "an amino acid substitution" has been construed to be a single substitution. The Examiner suggests amending Claim 23 to recite "a single substitution" to be consistent with the language in the parent application.

Applicants hereby amend Claim 23, part (b), as suggested by the Examiner.

Accordingly, Applicants respectfully submit that the claims have written description in the present specification, and are enabled thereby. Thus, Applicants request withdrawal of the Examiner's rejection.

In view of the amendments to the claims, and the arguments set forth above, reexamination, reconsideration and allowance are respectfully requested.

The Examiner is invited to contact the undersigned at his Washington telephone number on any questions which might arise.

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Respectfully submitted,


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